

REMARKS

In view of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1, 9, 12, 14, 21, 24 and 25 have been amended. Claims 8 and 20 have been cancelled. New claims 31-33 have been added. Hence, claims 1-7, 9-19 and 21-33 are pending and are presented for consideration.

Claims 1-10, 12-17, 20 and 24-28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher, et al. (US Pat. No. 7,120,608) ("Gallagher") in view of Ito, et al. (US Pat. No. 6,039,250) ("Ito").

Applicant, in response to the prior office action in this matter, asserted that neither the Gallagher nor Ranjan references (Ranjan reference cited in rejection discussed below) is valid prior art with respect to the present application since the present application is entitled to an invention date that predates the priority dates of these two cited references. The applicant has submitted a declaration under C.F.R. 1.131, along with documentary evidence, to support the asserted date of invention. The Examiner has deemed such declaration unpersuasive for the reasons set forth in the office action under reply. In response, and as is clear from the documents submitted and acknowledged by the Examiner, the applicant has sufficiently established a date of conception that predates the relevant priority dates of Gallagher and Ranjan (i.e., prior to August 15, 2000). The applicant further has asserted and set forth supporting documentation that seeks to illustrate that the assignee of the present application (i.e., its employees and agents) collectively exercised reasonable diligence from at least just prior to August 15, 2000 until the

filing of this Application in the U.S. Patent and Trademark Office on April 10, 2001. The Examiner, however, has deemed that the submitted declaration and documentation insufficiently establishes the required diligence under the law. In response, it is submitted that the assignee has thoroughly examined its files and is, at the current time, unable to present sufficiently more documentation to satisfy the Examiner and, moreover, the inventor of the present application, Mr. Luis Eduardo Gutierrez-Sheris, is no longer employed at the assignee and is unavailable for further information. Accordingly, rather than to continue to solely assert that Gallagher and Ranjan are invalid prior art, the applicant instead has made the above amendments and presents the following discussion in order to expedite the successful prosecution of the present application. Nevertheless, the assignee maintains the position that the proper invention date of the present application predates the relevant dates of both Gallagher and Ranjan, and reserves the right to continue to make such an assertion with potentially more evidence/documentation in the future.

Turning now to the claims, independent claims 1 and 14 have been amended to recite “said customer informing said beneficiary of said unique fund-pick-up code.” This feature was previously recited in claims 8 and 20, which are cancelled herein. Also, independent claim 25 has been amended to recite “a beneficiary means, for said customer to inform said beneficiary of said fund-pick-up code.”

As described in detail below, the present invention as recited in claims 1, 14 and 25, is not obvious in view of the combination of Gallagher and Ito. More particularly, neither of these references, alone or in combination, discloses or suggests a unique fund-pick-up code initially generated and given to the customer by a money transfer company and subsequently provided to

the beneficiary by the customer. In accordance with the invention, a non-obvious additional layer of security and control are provided to a customer transferring funds to a beneficiary at a remote location that is not present in either of the cited references, as discussed further below.

Fig.1 of Gallagher discloses an Internet based system 10 for effecting online financial transactions including a send money transaction. (Col. 7, lines 20-30) As shown in Fig. 3, while entering information relevant to a send money transaction into an online form 200, the payor may select to use an optional identity confirmation feature. (Col. 7, lines 48-51) If this option is selected, the payor must also provide an identification query to be answered by the payee. Once the payor's transactional information has been processed by the system 10, the payee is sent an electronic message providing him a link to an electronic document relating to the transaction. (Col. 7, lines 53-58) The electronic document includes the identification query and a field for entering a response. (Col. 8, lines 5-8) Once the payee responds to the query, the payor is notified of the payee's response by an electronic message containing the response. (Col. 5, lines 25-31) If the payor is satisfied with the payee's response, the payor responds to the system with his decision to accept the payee's response and his confirmation that the system should proceed with the transfer of funds to the payee's account. (Col. 8, lines 35-38) The payor can cancel the transaction at any time prior to the actual transfer of funds into the payee's account. (Col. 8, lines 39-41)

The identity confirmation query disclosed in Gallagher is quite distinct from the present invention's recitation of having the customer (or payor) directly providing the beneficiary (payee) with a unique fund-pick-code. Rather, as discussed above, Gallagher provides a query to the payee through an electronic message containing a link to an electronic document containing the

query. First, the payor is not provided with the identity confirmation query nor does the payor provide such information to the payee. Second, the operations are quite dissimilar since a third party having access to the payee's electronic mail or instant messaging account would have access to the identity confirmation query. In such case, and if the third party had enough information about the payee, he could respond correctly to the query and subsequently gain access to the transferred funds without the payor ever becoming aware of his presence. Thirdly, if the payor selects not to use the optional identity confirmation feature, there is no other mechanism in Gallagher that provides the payor with control over the transferred funds other than cancelling the transaction prior to the actual transfer of the funds. In this situation, if the payor becomes aware of the presence of an unauthorized third party, it would become a race to cancel the transaction prior to the third party gaining access to the transferred funds. In other words, the present invention carries out various processes that address significant problems that may be encountered in Gallagher. In any event, Gallagher neither discloses nor suggests a unique fund-pick-up code initially generated and given to the customer by a money transfer company and subsequently provided to the beneficiary by the customer.

Ito does not disclose the aforementioned limitations missing from Gallagher. Fig. 1 of Ito discloses an electronic money sending system comprising a communications network 14 connecting multiple information processing units 1 and 2 to a money server 3. As shown in Fig. 5, Ito discloses a remittance standby request 501 including a random number security key 505 sent by a remitter from any one of the information processing units to the money server 3. (Col. 4, lines 43-56) As shown in Fig. 8, Ito also discloses a different remittance standby request 801 including a different random number security key 804 sent by a receptor from any other

information processing unit to the money server 3. (Col. 5, lines 25-39) The money server 3 uses each of these security keys and other accompanying information to validate and process an electronic money transfer. Ito, however, does not disclose the remitter providing a security key, or any other information, directly to the receptor prior to the transfer of funds.

In view of the foregoing, Gallagher in combination with Ito does not result in or make obvious the present invention, as recited in independent claims 1, 14 and 25. It is therefore requested that the rejection of claims 1, 14 and 25, and the claims dependent thereon, be withdrawn.

Claims 11, 18, 19, 21-23, 29 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher in view of Ito in further view of Ranjan, et al. (US Pub. 2002/0029193) ("Ranjan").

Ranjan discloses a method and system for facilitating the transfer of funds utilizing a telephone identifier wherein a payor associated with a first telephone-based account funds an account and subsequently designates a specific amount of value to transfer to a second telephone-based account associated with a payee. (Paragraph 0038, lines 1-6) Ranjan, however, also does not disclose the payor providing any information directly to the payee prior to the transfer of funds.

In view of the foregoing, Gallagher in combination within Ito and Ranjan does not result in or make obvious the present invention, as recited in claims 1, 14 and 25. It is therefore requested that the rejection of claims 11, 18, 19, 21-23, 29 and 30 be withdrawn.

New claim 31 depends from claim 1 and recites "said beneficiary using said unique fund-pick-up code to acquire a financial instrument representing said transferred sum of money." Support for this feature can be found at least on page 6, lines 4-24 of the Specification. The allowance of new claim 31 is solicited.

New claims 32 and 33 depend from claims 1 and 25, respectively, and pertain to entering into the data input document a currency type used by the customer and a currency type used by the beneficiary. Support for this feature can be found at least on page 18, Table 2 of the Specification. The allowance of new claims 32 and 33 is solicited.

In light of the foregoing amendments and remarks, reconsideration and allowance of this application is respectfully requested.

Respectfully submitted,

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